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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/489,440	01/21/2000	Mel SIEGEL	99-009	5840

7590 11/20/2002

Ian K Samways  
Reed Smith SHAW & McClay LLP  
P O Box 488  
Pittsburgh, PA 15230-0488

EXAMINER

DIEP, NHON THANH

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 11/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

87

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/489,440	SIEGEL ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Nhon T Diep	2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____.  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5</u> . | 6) <input type="checkbox"/> Other:  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 6-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Regarding claims 6, line 4, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1- 10 and 16-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Butterfield (US 3,818,125).

Butterfield discloses a stereo television microscope comprising the same viewing system comprising an arrangement for producing at least one image that is perceived as three dimensional, whereby interocular separation, proportionately scaled for human interocular separation, is substantially less than about 60 mm (interocular separation = stereo base, col. 2, ln. 43-63) as specified in claims 1 and 8; wherein the arrangement

comprises a pair of real cameras for producing the at least center-of-interest as to reduce convergence-accommodation conflict one three dimensional image (col. 11, ln. 23-27) as specified in claim 2; or a pair of virtual cameras (col. 2, ln. 52-68) as specified in claim 3; whereby interocular separation, proportionately scaled for human interocular separation, is about 2 mm or less (col. 2, ln. 43-63) as specified in claims 4 and 9; further comprises means for compensating the center-of-interest as to reduce convergence-accommodation conflict (changing the stereo base is considered as means for compensating the center-of-interest as to reduce convergence-accommodation conflict) as specified in claims 5, 6, 16, 17, 18 and 23; further comprising the step of reducing interocular separation (col. 2, ln. 43-63) as specified in claim 7; a method of producing at least one image for being perceived as three dimensional, the method comprising the steps of: providing a viewing system that includes a stereo display; and configuring the viewing system such that crosstalk produced by the stereo display is perceived as foreground and back ground blur instead of ghosting (col. 2, ln. 28-37 and col. 13, ln. 34-38) as specified in claims 10, 19 and 24; wherein at least two images are produced by the image producing arrangement; the method comprises at least two images that is sufficiently rapid to produce a perceptible three-dimensional image without flicker (col. 1, ln. 39-46) as specified in claims 20 and 25; wherein the image-producing arrangement is adapted to be switched selectively to a static monoscope state (col. 1, ln. 39-68) as specified in claims 21 and 26; further comprises periodic switching between a left-image dynamic stereo state and a right-

image state dynamic stereo state that is sufficiently rapid as to produce a perceptible three-dimensional image flicker (col. 1, ln. 39-46) as specified in claims 22 and 27.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Butterfield.

As applied to claim 10 above, it is noted that Butterfield does not particularly disclose various stereo display such as a suspended particle, a reverse emulsion, an LCD display, a holographic and a micromirror display as specified in claims 11-15. Official Notice is taken of these various display devices and that they are well known display devices used as stereo display in the art therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was made to use any one of the above well known display devices in the display of Butterfield as a matter of designer's choice.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Butterfield (US 4,734,756) discloses a stereoscopic television system.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon T Diep whose telephone number is 703-305-4648. The examiner can normally be reached on m-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris S Kelley can be reached on 703 305-4856. The fax phone numbers for the organization where this application or proceeding is assigned are 703 87209314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-2600.

ND/au 2613  
November 15, 2002



**NHON DIEP  
PRIMARY EXAMINER**